

Docket No.: 564462006801
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Nelson R. BARTON et al.

Application No.: 10/593,846

Confirmation No.: 4446

Filed: (Intl.) March 24, 2005

Art Unit: 1656

For: CHIMERIC CANNULAE PROTEINS,
NUCLEIC ACIDS ENCODING THEM AND
METHODS FOR MAKING AND USING
THEM

Examiner: Not Yet Assigned

MS 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION PURSUANT TO 35 USC §42(d) AND 37 C.F.R. §2.209

Dear Sir:

Applicants respectfully request a refund of fees paid by mistake as set forth by 35 USC §42(d) and 37 C.F.R. §2.209.

On December 26, 2007, \$3,055.00 in fees were charged to deposit account 03-1952 for the above referenced application for the Examination Fee (\$100.00), the Search Fee (\$50.00), an Excess Pages Fee (\$125.00), Excess Claims Fees (\$2,600.00) and Multiple Dependant Claims Fees (\$180.00). An excerpt of the deposit account for these fees is attached hereto as Exhibit A. This application was submitted to the USPTO Receiving Office on September 21, 2006.

35 USC §42(d) and 37 C.F.R. §2.209 allows for refund of money paid by mistake.

The listed fees were charged based on a check in a box authorizing payment of additional fees required on the transmittal of the application at the time of filing the application. This box was checked in error by a secretary who was training to file National Stage applications, and did not understand that this box was not to be checked when a National Stage application is being filed while paying only the Basic Fee. It was not intended that all of the filing and claims fees be paid at that time. Applicant will pay the required fees in response to the Notification of Missing Requirements.

Applicant now requests in accordance with 37 C.F.R. § 1.28, **a total refund of \$3,055.00 be made to Deposit Account No. 03-1952, ref. Docket No. 564462006801** in that the fees were paid by mistake. Applicant's request has been timely asserted in accordance with C.F.R. §1.28(a).

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

Dated: January 16, 2008

Respectfully submitted,

Electronic signature: /Gregory P. Einhorn/
Gregory P. Einhorn

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Deposit Account Statement

Requested Statement Month:

Deposit Account Number:

Name:

Attention:

Street Address 1:

Street Address 2:

City:

State:

Zip:

Country:

December 2007

031952

MORRISON & FOERSTER LLP

DENISE CALDWELL

755 PAGE MILL ROAD

PALO ALTO

CA

94304-1018

UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
12/03	133	11191900	559502004100	1253	\$930.00	\$322,910.43
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12/26 3 10593846 564462006801	2681	\$125.00	\$254,765.58
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12/27 69 11116453 245402011200	1251	\$120.00	\$251,480.58
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